
IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS, EASTERN DIVISION

In Re:)	Case No.: 17-01961
Charles M Barker)	
)	Chapter 13
)	
Debtor(s).)	Judge Janet S. Baer (KANE)

NOTICE OF MOTION & SHORTEN NOTICE

TO: Charles M Barker, P.O. Box 221 Big Rock, IL 60511 *via US mail*
Trustee Glenn B Stearns, *via ECF clerk's electronic delivery system*
The United States Trustee, *via ECF clerk's electronic delivery system*
State farm Insurance, 217 Capitol Dr Ste C, Sugar Grove, IL 60554 *via US mail*
American Credit Acceptance LLC, 961 E Main St, Spartanburg, SC 29302 *via US mail*
American Credit Acceptance LLC, Registered Agent, PO Box 1899 Spartanburg, SC 29304
United States *via US mail*
See attached service list

PLEASE TAKE NOTICE that on **December 13, 2019 at 9:30 am** I shall appear before the Honorable Janet S. Baer at the Kane County Courthouse 100 S. Third Street, Room 240 Geneva, IL 60134 or any judge presiding and then and there present the **Motion on Shortened notice**, a copy of which is attached hereto.

By: /s/ David H. Cutler
David H. Cutler

CERTIFICATE OF SERVICE

I, David H. Cutler, hereby certify that I caused to be served, electronically or through U.S. Mail, a copy of the foregoing Notice and Motion upon the parties named above on December 6, 2019, before the hour of 10:00 p.m.

By: /s/ David H. Cutler
David H. Cutler, esq.
Counsel for Debtor(s)
Cutler & Associates, Ltd.
4131 Main St. Skokie, IL 60076
Phone: (847) 673-8600

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In Re:)	Case No.: 17-01961
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MOTION TO AUTHORIZE DISBURSEMENT OF FUNDS & SHORTEN NOTICE

NOW COMES the Debtor, Charles M Barker, (hereafter referred to as “the Debtor”), by and through his attorneys, The Law Offices of Cutler & Associates, Ltd., to present this Motion to Authorize Disbursement of Funds on shortened notice, and state as follows:

1. This Court has jurisdiction over this proceeding pursuant to 11 USC 1334 and this is a "core proceeding" under 28 USC 157(b).
2. The Debtor filed for relief under Chapter 13 of the United States Bankruptcy Code on January 23, 2017 and his Plan was confirmed on March 24, 2017.
3. That through the confirmed plan the Debtor has a 2014 Ford Taurus, here in after referred to as, Vehicle.
4. That on November 27, 2019 the Debtors vehicle was totaled in a motor vehicle accident.
5. That the Debtors insurance company, State Farm Insurance, is holding \$8,392.29 as a payout for the vehicle.
6. The creditor for the vehicle, American Credit Acceptance LLC, is still owed \$7,703.31 to be paid per the confirmed plan.
7. That after disbursing \$7,703.31 to the Trustee Glenn B. Stearns, the remaining payout balance will be, \$689.00 to be disbursed to the Debtor.

8. That the payout of \$7,703.31 by the Debtors insurance agency, State Farm Insurance, that will be sent to the Trustee, Glenn B. Stearns will be used to pay directly to the creditor, American Credit Acceptance LLC for the remaining balance owed to them.
9. That the remaining payout balance of the totaled vehicle, of, \$689.00 will be disbursed to the Debtor, to be used as a down payment for a new vehicle.
10. That the Debtor will bring a motion to incur/obtain debt once he obtains a reasonable retail installment contract.
11. The Debtor brings this motion on shortened notice as he will face irreparable harm with no reliable transportation which he requires to travel to and from work, and assist his spouse in transporting their young children to and from school, that the next date before this Honorable court is not until January 3, 2020 and he requires the \$689.00 as a down payment towards the purchase of a new vehicle.

WHEREFORE, the Debtor, Charles M Barker prays that this Court enter an order authorizing his insurance company, State Farm Insurance to disburse \$7,703.31 to the Trustee, Glenn B. Stearns office to then be disbursed directly to the creditor, American Credit Acceptance LLC to pay off their remaining balance owed and \$689.00 to the Debtor and for such further relief that this Court may deem just and proper.

Dated: December 6, 2019

Respectfully Submitted,

By: /s/ David H. Cutler
David H. Cutler, esq.,
Counsel for Debtor(s):
Cutler & Associates, Ltd.
4131 Main St.
Skokie, IL 60076
Phone: (847) 673-8600

